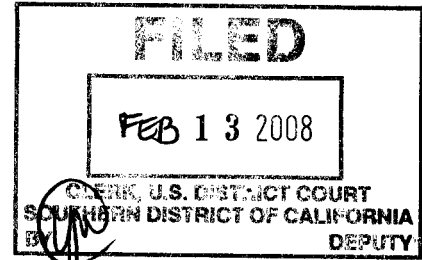


ORIGINAL

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7 Attorneys for Plaintiff  
UNITED STATES OF AMERICA



8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, ) Criminal Case No. 07CR3353-JM  
11 )  
12 Plaintiff, )  
13 v. ) **STIPULATION OF FACT AND JOINT**  
14 JUAN CARLOS ) **MOTION FOR RELEASE OF**  
VASQUEZ-MENDOZA (2), ) **MATERIAL WITNESS AND ORDER**  
15 Defendant. ) **THEREON**

16 **IT IS HEREBY STIPULATED AND AGREED** between the plaintiff, UNITED STATES  
17 OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and Luella M.  
18 Caldito, Assistant United States Attorney, and defendant Juan Carlos Vasquez-Mendoza, by and  
19 through and with the advice and consent of defense counsel, Zandra L. Lopez, that:

20 1. Defendant agrees to execute this stipulation on or before the disposition hearing and  
21 to participate in a full and complete inquiry by the Court into whether defendant knowingly,  
22 intelligently and voluntarily entered into it.

23 2. The material witnesses, Martin Sanchez-Campos, Juan Ramon Yupit-Chac, and  
24 Nicanora Moreno-Koh, in this case:

- 25 a. Are aliens with no lawful right to enter or remain in the United States;  
26 b. Entered or attempted to enter the United States illegally on or about  
27 November 13, 2007 with the assistance of Defendant, who acted as their foot guide;  
28 c. Were found with Defendant in a vehicle driven by codefendant Jose Heredia-

1 Guzman in Calexico, California and that Defendant knew or acted in reckless disregard of the fact  
2 that they were aliens with no lawful right to enter or remain in the United States;

3 d. Were paying or having others pay on their behalf an undisclosed amount and  
4 \$2300 to others to be brought into the United States illegally and/or transported illegally to their  
5 destination therein; and,

6 e. May be released and remanded immediately to the Department of Homeland  
7 Security for return to their country of origin.

8 3. After the material witnesses are ordered released by the Court pursuant to this  
9 stipulation and joint motion, if defendant withdraws his guilty plea to the charge set forth above,  
10 defendant agrees that in any proceeding, including, but not limited to, motion hearings, trial,  
11 sentencing, appeal or collateral attack, that:

12 a. The stipulated facts set forth in paragraph 2 above shall be admitted as  
13 substantive evidence;

14 b. The United States may elicit hearsay testimony from arresting agents  
15 regarding any statements made by the material witness(es) provided in discovery, and such  
16 testimony shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements  
17 against interest of (an) unavailable witness(es); and,

18 c. Understanding that under Crawford v. Washington, 124 S. Ct. 1354 (2004),  
19 "testimonial" hearsay statements are not admissible against a defendant unless defendant confronted  
20 and cross-examined the witness(es) who made the "testimonial" hearsay statements, defendant  
21 waives the right to confront and cross-examine the material witness(es) in this case.

22 4. By signing this stipulation and joint motion, defendant certifies that defendant has  
23 read it (or that it has been read to defendant in defendant's native language). Defendant certifies  
24 further that defendant has discussed the terms of this stipulation and joint motion with defense  
25 counsel and fully understands its meaning and effect.

26 Based on the foregoing, the parties jointly move the stipulation into evidence and for the  
27 immediate release and remand of the above-named material witness to the Department of Homeland

28 Stipulation of Fact and Joint Motion for Release of  
Material Witness And Order Thereon in

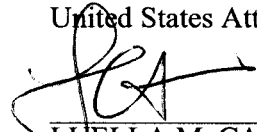
1 Security for return to their country of origin.

2 It is STIPULATED AND AGREED this date.

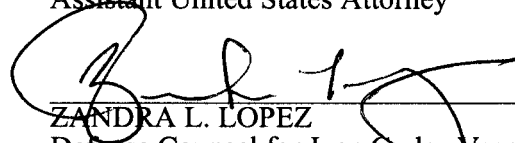
3 Respectfully submitted,

4 KAREN P. HEWITT  
5 United States Attorney


6 Dated: Feb. 12, 2008.

  
7 LUELLA M. CALDITO  
8 Assistant United States Attorney

9 Dated: 2-12-08

  
10 ZANDRA L. LOPEZ  
11 Defense Counsel for Juan Carlos Vasquez-Mendoza

12 Dated: 2-12-08

  
13 JUAN CARLOS VASQUEZ-MENDOZA  
14 Defendant

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28 Stipulation of Fact and Joint Motion for Release of  
Material Witness And Order Thereon in  
United States v. Juan Carlos Vasquez-Mendoza (2)

**ORDER**

Upon joint application and motion of the parties, and for good cause shown,

**THE STIPULATION** is admitted into evidence, and,

**IT IS ORDERED** that the above-named material witnesses be released and remanded forthwith to the Department of Homeland Security for return to her country of origin.

**SO ORDERED.**

Dated: 2/13/08

